UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 APR 1 AM 11:04 U.S. DISTRICT COURT DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose LOPEZ-Alfaro,** Defendant	Magistrate Docket No. '08 MJ 0990
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 27, 2008** within the Southern District of California, defendant, **Jose LOPEZ-Alfaro,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **APRIL 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose LOPEZ-Alfaro

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 27, 2007, at approximately 9:50, PM, Border Patrol Agent L. Gonzalez was working line watch duties in an area known as the 90's. The 90's is approximately six miles west of the San Ysidro, California Port of Entry and one mile north of the U.S./Mexico International Boundary Fence. National Guard Scope Operator observed one individual running north through dense brush. National Guard Scope Operator notified Agent Gonzalez. Agent Gonzalez responded to the area and found one individual attempting to conceal himself in some dense brush. Agent Gonzalez identified himself as a U.S. Border Patrol Agent and questioned the individual as to his citizenship and nationality. This individual, later identified as the defendant **Jose LOPEZ-Alfaro**, admitted to being a citizen and national of Mexico, illegally present in the United States without any immigration documents that would allow him to enter or remain legally. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 16, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he was on his way to Escondido, California to reside with his family.

Executed on March 29, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 28, 2008** in violation of Title **8**, United States Code, Section **1326**.

Anthony J. Battaglia
United States Magistrate Judge

3/29/08 9:40 am
Date/Time